

February 26, 2007
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, February 26, 2007, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, OLEN THOMAS, JOHN PARKER, CHARLIE HIGHT, and MURRY WITCHER, a quorum was declared. Alderman CARY GAINES was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderman Parker, followed by the pledge of allegiance to the flag which was also led by Alderman Parker.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the minutes of a regular council meeting held on Monday, February 12, 2007, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communications # 1, 2, 3, 4, 5, and 6 were accepted and filed (7/0).

1. Becky Taylor, Mayor's Office copy of an article from *The Sun* (January 1, 2007) re: Year In Business Includes Mall; and, copy of an article from *The Jonesboro Sun, Opinion* (January 2, 2007) re: Some Memorable Events Set 2006 Apart from NEA.
2. Sharon Tedford, Mayor's Office memorandum re: application for Retail Liquor and Retail Beer Off premises replacement permit for Best Shot Liquor, 5313 MacArthur Drive, by Kevin Michael Dugan.
3. Fritz Friedl, Director of Volunteers, Annual Report of Volunteer Services (2006).
4. Sharon Tedford, Mayor's Office memorandum re: transfer of location for Large Attendance Facility and Sunday Beverage Sales from Ray Winder Field, Little Rock to Dickey - Stephens, Park, North Little Rock (400 West Broadway), by William (Bill) T. Valentine.
5. Sharon Tedford, Mayor's Office memorandum re: replacement beer off premises permit for McCain Shell f/k/a Max Mart #38, 4400 McCain Boulevard by Kyung Un Hyon; and, replacement retail beer off premises permit for Indian Hills Shell f/k/a Max Mart #30, 6915 JFK Boulevard, by Kyung Un Hyon.
6. Sharon Tedford, Mayor's Office memorandum re: change of manager restaurant mixed drink and Sunday beverage sales for Hooters of North Little Rock, 4110 Landers Road, by Robert J. Stachovic.

Mayor Hays announced the Special Call scheduled for 7:05 p.m., February 26, 2007.

February 23, 2007

Honorable Members of the City Council:

Re: Special Council Meeting

Dear Members of the City Council:

This is to advise that we have called a special Council meeting of the North Little Rock City Council for 7:05 p.m. on February 26, 2007, at City Hall, Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) AN ORDINANCE GRANTING TO ENTERGY ARKANSAS, INC., ITS SUCCESSORS AND ASSIGNS, THE EXCLUSIVE RIGHT, PRIVILEGE AND AUTHORITY TO SELL, FURNISH AND DISTRIBUTE ELECTRIC POWER AND ENERGY AND ERECT, MAINTAIN, EXTEND AND OPERATE A SYSTEM FOR THE DISTRIBUTION, TRANSMISSION, FURNISHING OR SALE OF ELECTRIC POWER AND ENERGY TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, WITHIN THE ALLOCATED SERVICE TERRITORY OF ENTERGY ARKANSAS, INC., AND THE INHABITANTS AND ALL OTHER CONSUMERS THEREOF, AND TO USE THE STREETS, ALLEYS, BRIDGES AND OTHER PUBLIC GROUNDS OF THE CITY IN CONNECTION THEREWITH; FIXING THE TERMS THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Sponsored by: Mayor Patrick H. Hays

Respectfully submitted,
/s/ Patrick H. Hays
MAYOR PATRICK H. HAYS

The law requires that you be notified of the time, place and subject matter of any specially called Council meeting. This notice does not require any special written formalities or waivers on your behalf, unless you are notified within a 24-hour period prior to the special meeting.

It is requested that each of you sign the cover letter simply to indicate that you have been informed of the nature and time of the meeting. However, please be aware that your signature is not required unless a period of less than 24 hours remain before the designated time for the meeting and you have not previously received notice.

This will evidence that I have received this notice of a special Council meeting for 7:05 p.m., Monday, February 26, 2007, at City Hall, Council Chambers, North Little Rock, and waive time of notice.

/s/ Neil Bryant
NEIL BRYANT

CARY GAINES

/s/ Debi Ross
DEBI ROSS

/s/ John Parker
JOHN PARKER

/s/ Olen Thomas
OLEN THOMAS

/s/ Murry Witcher
MURRY WITCHER

/s/ Linda Robinson
LINDA ROBINSON

/s/ Charlie Hight
CHARLIE HIGHT

(A notation on the cover letter indicated Alderman Gaines was out of state on February 23, 2007, at the time of attempted service of the special call by North Little Rock Police.)

SPECIAL CALL #1 (ORDINANCE NO. 7915 - MAYOR HAYS)
AN ORDINANCE GRANTING TO ENTERGY ARKANSAS, INC., ITS
SUCCESSORS AND ASSIGNS, THE EXCLUSIVE RIGHT, PRIVILEGE AND
AUTHORITY TO SELL, FURNISH AND DISTRIBUTE ELECTRIC POWER AND
ENERGY AND ERECT, MAINTAIN, EXTEND AND OPERATE A SYSTEM FOR
THE DISTRIBUTION, TRANSMISSION, FURNISHING OR SALE OF ELECTRIC
POWER AND ENERGY TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS,
WITHIN THE ALLOCATED SERVICE TERRITORY OF ENTERGY ARKANSAS,
INC., AND THE INHABITANTS AND ALL OTHER CONSUMERS THEREOF, AND
TO USE THE STREETS, ALLEYS, BRIDGES AND OTHER PUBLIC GROUNDS OF
THE CITY IN CONNECTION THEREWITH, FIXING THE TERMS THEREOF, AND
FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Thomas, and by consent of all members present, with the exception of Alderman Witcher who passed due to a conflict, the rules were suspended and the ordinance was placed on its second reading (6/1). On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Alderman Witcher who passed, the rules were again suspended and the ordinance was placed on its third and final reading (6/1). The ordinance was read a third and final time. Alderman Hight asked if this was pertaining to previously adopted legislation allowing Chicopee to purchase power from Entergy. Mayor Hays advised it was not, this legislation is pertaining to the franchise fee. Entergy has requested a written agreement regarding the franchise agreement, beginning March 1, 2007. On the motion of Alderman Hight and seconded by Alderman Bryant, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Witcher who passed, the ordinance was adopted (6/1). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Witcher who passed, the emergency clause was adopted (6/1).

Mayor Hays invited Mr. Derrick Dailey to come forward and provide information regarding an upcoming event March 17, 2007, at the Hays Center. Mr. Dailey along with Miss Kelsey Riley have developed a program called *Dining for Diversity* and encouraged

Mayor Hays and the Council members to attend. The keynote speaker is Mr. Eddie Armstrong.

UNFINISHED BUSINESS

O-07-05

AN ORDINANCE AMENDING ORDINANCE NO. 6768 TO ESTABLISH NEW BOUNDARIES FOR THE ARGENTA HISTORIC DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times January 22, 2007, and a public hearing was reconvened that date. The ordinance was called and held at the request of the sponsor Alderwoman Robinson.

O-07-11

AN ORDINANCE AMENDING ORDINANCE NO. 7888, THE 2007 BUSINESS LICENSE SCHEDULE (Class 171 Pawnbrokers); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time, February 12, 2007. The legislation was called and held due to the absence of the sponsor, Alderman Gaines.

O-07-12

AN ORDINANCE AMENDING THE MASTER STREET PLAN ORDINANCE (NO. 7178) ADDING BAY OAKS DRIVE AS A COLLECTOR STREET BETWEEN WEST SCENIC DRIVE AND WEST PERSHING BOULEVARD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time February 12, 2007. The legislation was called and held by the sponsor, Alderman Parker.

NEW BUSINESS

R-07-19

A RESOLUTION APPOINTING MARY STERNBERG TO THE NORTH LITTLE ROCK ADVERTISING AND PROMOTION COMMISSION; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Mayor Hays. Ms. Sternberg lives in Faulkner County.

R-07-20 (RESOLUTION NO. 7058 - MAYOR HAYS)

A RESOLUTION EXPRESSING SUPPORT OF THE REQUEST BY PULASKI COUNTY SHERIFF CHARLES "DOC" HOLLADAY TO THE STATE LEGISLATORS FOR ONE TIME CAPITAL IMPROVEMENT FUNDS FOR THE REPLACEMENT OF THE ROOF AT THE PULASKI COUNTY REGIONAL DETENTION FACILITY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-07-21 (RESOLUTION NO. 7059 - MAYOR HAYS)

A RESOLUTION SUPPORTING ARKANSAS SENATE BILL 236 TO AMEND THE ARKANSAS PUBLIC SAFETY COMMUNICATION ACT OF 1985; AND FOR OTHER PURPOSES, was read. Mayor Hays invited Mr. Rick Ezell, Director of Emergency Services and Mr. Bud Gray to come forward. Mr. Ezell said due to modern technology and the ability to send 911 text messages, emergency operations are going to

need to upgrade their equipment. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Alderman Witcher asked how the funds would be distributed. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-07-22 (RESOLUTION NO. 7060 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL (\$2,400.00) CERTAIN REAL ESTATE PREVIOUSLY UTILIZED BY THE NORTH LITTLE ROCK WASTE WATER UTILITY TO THE ARKANSAS STATE

HIGHWAY COMMISSION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Mr. Gary Mills, Waste Water Director advised the property is located in the area of Highway 107 and Bear Paw Drive. A proposed widening necessitates the Highway Department acquiring a small area of land. The property is located in Sherwood. On previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

O-07-13

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A RESIDENTIAL PARKING PERMIT PROGRAM FOR CERTAIN AREAS IN DOWNTOWN NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was called. Mayor Hays scheduled a public hearing for the next council meeting, March 12, 2007, at 7:05 p.m. The area has limited parking due to the age of the neighborhood. Similar programs have been implemented in other communities. Mr. Dan Scott, Director of Neighborhood Services advised his department would oversee the program. In the designated area, home owners and residents would bring proof of vehicle registration and a utility bill receipt, be issued up to three (3) parking permits per residence and one (1) visitors permit. The only anticipated costs would be printing the decals and signage, along with a police officer to issue citations (fines would be \$30.00 per violation plus court costs). Mr. Carter is reviewing the legislation. Mr. Scott has attended the last two Argenta Neighborhood meetings to discuss this matter. There are approximately 100 residences in the area and about 19% do not have parking other than on the street. Mayor Hays said the opening of the Ball Park in April corresponds with two sell-out events at Alltel Arena. Alderwoman Robinson asked if the permits will be enforced during Ball Park events only. Mayor Hays said the purpose of the legislation is to ensure the residents of the area have a place to park. Mr. Scott said 2 - 3 households on each block have no parking other than on the street. Mr. Scott was asked to provide proposed costs to the council, including implementing and operating the program, amount of fine (including court costs), and signage. Alderwoman Ross asked how people would know if there was an event at the Ball Park. Mr. Scott said there will be signs in the neighborhood warning against parking there during Ball Park events. Alderman Parker said he was concerned about where people would park if the 700 space lot is full. Mayor Hays said parking has not been a problem in the area during Alltel Arena events and he does not anticipate a problem at the Ball Park. Suite holders and box seat ticket holders have the first chance to park in the lot at the foot of the Broadway Bridge. Free parking will be available two blocks down the street on the City Services Parking lot. If events

occur at the same time (Alltel and the Ball Park), there may be traffic issues. The lot in question was made available for parking during Alltel events in the past, but not utilized. Alderwoman Ross asked how the residents felt about the signage. Mr. Scott said existing poles would be used as much as possible. Alderman Witcher spoke regarding the distance effected (streets) and if cars could park on the Baseball Lot when there were no events at the Stadium. Mayor Hays said if there is not a Ball Park event, people can park free on the lot. Mr. Joe Smith, Director of Commerce and Governmental Affairs (Purchasing) advised there is an electronic marquee in front of the stadium which would advertise events. Discussion commenced on who would be able to park on the Baseball Parking lot. Parking on the lot will cost \$3.00 per vehicle for those who are not suite, box seat or season ticket holders. The ordinance was then read one time. On the motion of Alderman Parker and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). A motion to again suspend the rules was made by Alderman Thomas and seconded by Alderwoman Robinson, and all members present, with the exception of Alderman Witcher who voted no, the council voted to again suspend the rules (6/1). On the motion of Alderman Bryant and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows: : *substitute Exhibit "A" provided this date, reducing the number of streets included in the proposed parking plan.* The legislation was then held by the sponsor, Mayor Hays.

O-07-14

AN ORDINANCE ADOPTING A MASTER STREET PLAN AND MAPS FOR THE CITY OF NORTH LITTLE ROCK; REPLACING THE PREVIOUS MASTER STREET PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Hays asked Mr. Voyles to provide a Power Point presentation on March 12, 2007, reviewing the (2007) Master Street Plan. A public hearing will be held on Monday, March 26, 2007 at 7:05 p.m. The legislation was then held at the request of the sponsor, Mayor Hays.

O-07-15 (ORDINANCE NO. 7916 - MAYOR HAYS)

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE "ASHLEY DOWNS ADDITION ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING ASHLEY DOWNS ADDITION ANNEXATION A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderwoman Robinson and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-07-16 (ORDINANCE NO. 7917 - ALDERMAN THOMAS)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR SALES BUSINESS IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3302 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the

motion of Alderman Thomas and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). A motion to suspend the rules was made by Alderman Thomas and seconded by Alderman Hight. Alderwoman Robinson advised the applicant if he violated the conditions herein, the Conditional Use could be revoked. (*applicant: Reggie Burton*). On the previous motion, and all members present having voted in the affirmative, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). Alderman Witcher asked about the fence referenced in the Planning Commission minutes.

Mayor Hays asked Mr. Charley Baxter, Director of the Patrick Henry Hays Senior Citizens Center to provide a progress report on the expansion. Mr. Baxter said the project is a couple of weeks behind schedule. Windows are going in now. The new addition may be complete this summer. Remodeling will continue on the existing structure. There have been 784 new members since the beginning of the year. Memberships are \$25.00 or \$130.00.

Mayor Hays invited Mr. Voyles and Mr. Jim McClellan to come forward and provide a Power Point presentation containing a computer simulation of a round-about in use. The presentation reflected possible traffic flow in the year 2030, in the area of Pike Avenue and East Broadway near the Union Pacific Railroad Yard. Vehicles demonstrated how a round-about would work. A round-about is more economical than a traffic signal due to the lack of a traffic signal to maintain. People would spend less time stopped in traffic. Mr. McClellan said a one-lane round-about simulation was too congested. Alderman Parker observed traffic coming from West Broadway would bypass the round-about.

PUBLIC COMMENTS-----

Alderwoman Robinson asked about PODS units in the city and asked about the length of time one could be located at one address. Mr. Voyles said a POD permit is limited to 30 days. Alderwoman Robinson said people in the Rose City area have asked about the emergency siren located at the Police Substation (Lynch Drive area). Mr. Ezell said it was replaced and is operational. Alderman Hight asked the status of signage on the interstate regarding "Jake Braking". Mayor Hays said after working with the Highway Department, and sign design was approved. Mr. Tim Marvin, Traffic Services Director said the signs have been made and the Arkansas Highway Department will install them. The term "Jake Brake" references a brand and cannot be used on the signs, therefore, verbiage indicates the use of "exhaust brakes". Police Chief Danny Bradley invited everyone to attend the Police and Fire Awards Ceremony Friday, March 2, 2007, at 3:00 p.m. at the Hays Center. Mr. Steve Nicelonger is an attorney representing Mr. Daryl

Talley who acquired property located at 118 East 19th Street. Said property was condemned by the council. This has presented problems for Mr. Talley in trying to get permits to work on the site. Mr. Nicelong has been talking with Assistant City Attorney Bill Brown regarding the matter. Mayor Hays suggested Mr. Nicelong and his client visit with the City Attorney's Office. Mr. Carter said he would speak with him after the council meeting. Alderman Bryant said both he and Alderwoman Ross have looked at the property and directed Mr. Nicelong and Mr. Talley to work through the City Attorney's Office. Mr. Brown has agree to an extension of a court date regarding the matter. Mr. James Ard advised a people have had problems with Code Enforcement regarding non-working / inoperable vehicles. He said one officer advised a car could be inoperable as long as it was in a carport. Another officer advised it could be inoperable if it was in the back yard. Mayor Hays asked Code Enforcement Director Tom Wadley and/or the City Attorney to research the question.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderman Hight, and by agreement of all members present, the meeting adjourned at 8:30 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, March 12, 2007, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK